

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 13, 2005

DIVISION ONE

B169675 Anthony Estrada, et al. (Certified for Publication)
B172164 v.
B173446 RPS, INC.

The appeals are dismissed as premature. The parties are to pay their own costs of appeal, subject to reallocation in the discretion of the trial court at the conclusion of this litigation.

Vogel, J.

I concur: Spencer, P.J.
I concur: Mallano, J. (opinion)

DIVISION TWO

B170853 Hernandez, et al. (Not for Publication)
 v.
 Barcelo Hotels & Resorts, et al.

The orders granting respondents' motions to quash are reversed. Appellants shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B170164 Camilo Lopez, Inc. (Not for Publication)
 v.
 Sialic Contractors Corporation, et al.

The judgment is affirmed. Federal is entitled to its costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B171802 Crumb (Not for Publication)
 v.
 APC Technology, Inc.

The judgment and order of the trial court are affirmed. APC to recover costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B168881 Felmand (Not for Publication)
 v.
 Steiner & Libo, et al.

The judgment and order of the trial court are affirmed. The parties to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B172690 PWS, Inc., et al. (Not for Publication)
 v.
 Carlsmith Ball, et al.

The judgment and order of the trial court are affirmed. Respondents are to recover costs and attorney fees on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B175561 People (Not for Publication)
 v.
 Rios, Jr.

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B174188 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Marc T.

The judgment is reversed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B175919 Nu West Fabrication & Rubber Supply Co. (Not for Publication)

v.

Superior Court, Los Angeles County
(Southdown, Inc., r.p.i.)

The petition is denied. The order to show cause is discharged. The stay order previously issued is lifted. Southdown is entitled to recover its costs in the proceeding.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B176618 First North American National Bank (Not for Publication)

v.

Superior Court, Los Angeles County
(Philip Brown and Karen Brown, r.p.i.)

The petition for a writ of mandate is denied in part and granted in part. Let a peremptory writ of mandate issue directing respondent court to grant Bank's motion for summary adjudication on : (1) the cause of action based upon alleged violations of FDCPA(15 U.S.C.sec. 1692,et seq.); (2) the cause of action based upon section 17200 of the California Business and Professions Code; and (3) plaintiffs' claim for punitive damages. In all other respects, the writ is denied. The order to show cause is discharged. The stay imposed by this court is vacated. Each party to bear its own costs.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B172581 People (Not for Publication)
v.
Kincy, et al.

The judgments are affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B179559 Alliance Capital Funding Corporation (Not for Publication)
v.
Superior Court, Los Angeles County
(Title House, Inc., et al., r.p.i.)

Let a peremptory writ of mandate issue directing the respondent court to vacate the minute order entered on November 1, 2004, and instead, to set a hearing date in accordance with the statutory mandate. The stay issued by this court on December 14, 2004, is lifted. No costs are awarded in this proceeding.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B172925 Los Angeles County, D.C.S.
B173922 v.
Christopher O. and Lisa S.

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B178223 Maria B. v. S.C.L.A. (DCFS)

B172002 People v. Filer

B173749 DCFS v. Michael T.

Argument waived, cause submitted.

B159255 Regency Outdoor Advertising, Inc.
 v.
 City of Los Angeles

Merits:

Argued by Michael M. Berger for appellant and by D. Timothy Daze for respondent. Cause submitted.

B172407 Morriseau et al.
 v.
 Andrade

Merits:

Argued by Marc Berger for appellants and by Luis A. Carrillo for respondent. Cause submitted.

B162751 Artisan Entertainment, Inc.
 v.
 Castravelli

Merits:

Argued by Roy G. Weatherup for appellant and by David Halberstadter for respondent. Cause submitted.

Court recessed.

DIVISION FOUR (Continued)

Court reconvened at 1:30 P.M.

Present: Epstein, P.J., Hastings, J., Curry, J., Grimes, J. (Assigned) and S. Veverka, Deputy Clerk.

Each of the following:

B167804 People v. Salinas
B170969 People v. Thompson
B174704 People v. Hypolite
B171631 People v. Somwangtawil
B174190 DCFS v. LaTracy L.

Argument waived, cause submitted.

B169748 People
 v.
 Wilson

Merits:

Argued by Vanessa Place for appellant and by Michael Katz for respondent. Cause submitted.

B178477 Sherrice B.
 v.
 Superior Court, Los Angeles County
 (DCFS, r.p.i.)

Appearances:

Counsel for petitioner and real party in interest waived argument. Court accepts for filing petitioner's points and authorities. Matter to be submitted January 14, 2005 upon receipt of real party's response.

DIVISION FOUR (Continued)

B175799 Interquest Corporation
 v.
 Shuwa Investments Corporation et al.

Merits:
Argued by Richard H. Gordon for appellant and Jonathan S. Gluck for respondents. Cause submitted.

B167718 G-Tech USA, Inc., et al.
 v.
 Alagem, et al.

Merits:
Argued by Michael H. Bierman for appellants and by Robin Meadow for respondents. Cause submitted.

B170379 Paul et al.
 v.
 Schoellkopf et al.

Merits:
Argued by Edward J. Horowitz for appellants and by Paul Shoop for respondents. Cause submitted.

Court adjourned.

DIVISION FIVE

B174518 C3 Entertainment, Inc. et al. (Certified for Publication)
 v.
 Arthur J. Gallagher & Co.

The appeal is dismissed. Each party to bear own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

January 13, 2005 (Continued)

DIVISION FIVE (Continued)

B176366 People (Not for Publication)
v.
Aaron Montgomery

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

Court convened at 11:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B171487 Garcia
v.
Asphalt Equipment & Service Co.

Merits:
Argued by Wendy C. Lascher for appellant, by H. Douglas Galt for respondent Asphalt Equipment & Service Co. and by Peter M. Jaynes for respondent Eagle Crusher Co., Inc. Cause submitted.

Gilbert, P.J. left the bench.

B175440 Domm-Ward
v.
Ward

Merits:
Argued by Andrew Wolf for appellant and by Wendy C. Lascher for respondent. Cause submitted.

Court recessed at 11:40 A.M.

January 13, 2005 (Continued)

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

Each of the following:

B167471 People v. Cid
B174577 People v. Barba

Argument continued to February, 2005.

Each of the following:

B164912 People v. Vargas, Nunez & Alvarado
B166207 People v. Santillano
B170504 People v. Clark
B171389 People v. Storm
B171431 People v. Wright
B172312 People v. Louviere
B172608 People v. Quinn
B172729 People v. Honaker
B172820 People v. Alvarado
B172911 People v. Folts
B173082 People v. Kilgore
B173566 People v. Barrigan
B174817 People v. Dachino
B174867 People v. Dear
B175109 People v. Chavez
B175683 People v. Hooper
B176726 People v. Navarro

Argument waived; cause submitted.

DIVISION SIX (Continued)

B170673 People
 v.
 Bridges

Merits:
Argued by Wayne C. Tobin for appellant and by Jack Newman, Deputy Attorney General, for respondent via video conference. Cause submitted.

B163293 People
 v.
 Compton

Merits:
Argued by Jonn Lanahan for appellant and by Deborah J. Chuang, Deputy Attorney General, for respondent via video conference. Cause submitted.

B168269 People
 v.
 Cuevas

Merits:
Argued by Roberta Simon for appellant and by Susan S. Kim, Deputy Attorney General, for respondent via video conference. Cause submitted.

B175940 People
 v.
 Sanders

Merits:
Argued by Christine C. Shaver for appellant and by Jennifer A. Jadoviz, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B170754 People
 v.
 Theurer

Merits:

Argued by Richard C. Gilman for appellant and by A. Scott Hayward, Deputy Attorney General, for respondent via video conference. Cause submitted.

Gilbert, P.J. left the bench.

B171801 People
 v.
 Ford

Merits:

Argued by Sharon M. Jones for appellant and by Steven T. Oetting, Deputy Attorney General, for respondent. Cause submitted.

Gilbert, P.J. returned to the bench.

Perren, J. left the bench.

B173302 Jones
 v.
 Union Bank of California, N.A.

Merits:

Argued by Matthew P. Guasco for appellants / cross-respondents and by Andrea Y. Slade for respondent / cross-appellant. Cause submitted.

Court adjourned at 4:05 P.M.

January 13, 2005 (Continued)

DIVISION SIX (Continued)

B169161 People (Certified for Partial Publication)
v.
Gutierrez

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

B169928 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.